

By: Truitt

H.B. No. 1874

A BILL TO BE ENTITLED

AN ACT

relating to regulation of the practice of barbering.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1601.002, Occupations Code, is amended to read as follows:

Sec. 1601.002. DEFINITION OF BARBERING. In this chapter, "barbering," "practicing barbering," or the "practice of barbering" means:

(1) performing or offering or attempting to perform for compensation or the promise of compensation any of the following services:

(A) treating a person's mustache or beard by arranging, beautifying, coloring, processing, shaving, styling, or trimming;

(B) treating a person's hair by:

(i) arranging, beautifying, bleaching, cleansing, coloring, curling, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;

(ii) providing a necessary service that is preparatory or ancillary to a service under Subparagraph (i), including bobbing, clipping, cutting, or trimming; or

(iii) cutting the person's hair as a separate and independent service for which a charge is directly or

1 indirectly made separately from a charge for any other service;

2 (C) cleansing, stimulating, or massaging a
3 person's scalp, face, neck, arms, or shoulders:

4 (i) by hand or by using a device, apparatus,
5 or appliance; and

6 (ii) with or without the use of any cosmetic
7 preparation, antiseptic, tonic, lotion, or cream;

8 (D) beautifying a person's face, neck, arms, or
9 shoulders using a cosmetic preparation, antiseptic, tonic, lotion,
10 powder, oil, clay, cream, or appliance;

11 (E) treating a person's nails by:

12 (i) cutting, trimming, polishing, tinting,
13 coloring, cleansing, or manicuring [~~, or pedicuring~~]; or

14 (ii) attaching false nails;

15 (F) massaging, cleansing, treating, or
16 beautifying a person's hands;

17 (G) administering facial treatments;

18 (H) weaving a person's hair by using any method
19 to attach commercial hair to a person's hair or scalp;

20 (I) shampooing or conditioning a person's hair;

21 (J) servicing in any manner listed in Paragraph

22 (B) a person's wig, toupee, or artificial hairpiece on a person's
23 head or on a block after the initial retail sale; or

24 (K) braiding a person's hair, trimming hair
25 extensions only as applicable to the braiding process, and
26 attaching commercial hair only by braiding and without the use of
27 chemicals or adhesives;

1 (2) advertising or representing to the public in any
2 manner that a person is a barber or is authorized to practice
3 barbering; or

4 (3) advertising or representing to the public in any
5 manner that a location or place of business is a barbershop,
6 specialty shop, or barber school.

7 SECTION 2. Section 1601.051, Occupations Code, is amended
8 to read as follows:

9 Sec. 1601.051. BOARD; MEMBERSHIP. The Advisory Board on
10 Barbering consists of five members appointed by the presiding
11 officer of the commission, with the commission's approval, as
12 follows:

13 (1) two members, each of whom:

14 (A) is engaged in the practice of barbering as a
15 Class A barber; and

16 (B) does not own a barbershop or franchise [~~hold~~
17 ~~a barbershop permit~~];

18 (2) two members, each of whom is a barbershop owner who
19 holds a barbershop permit; and

20 (3) one member who holds a permit to conduct or operate
21 a barber school.

22 SECTION 3. Section 1601.303, Occupations Code, is amended
23 to read as follows:

24 Sec. 1601.303. ISSUANCE OF BARBERSHOP PERMIT. The
25 department shall issue a barbershop permit to an applicant if:

26 (1) the applicant owns the barbershop;

27 (2) the applicant verifies the application; [~~and~~]

1 (3) the shop meets the minimum health standards for
2 barbershops set by the commission and complies with all other
3 commission rules; and

4 (4) the shop employs a barber certified under Section
5 1601.253.

6 SECTION 4. (a) The change in law made by this Act to the
7 Advisory Board on Barbering does not affect the entitlement of a
8 member serving on the board immediately before the effective date
9 of this Act to serve the remainder of the member's term.

10 (b) The change in law to Section 1601.303, Occupations Code,
11 as amended by this Act, applies only to a permit application
12 submitted on or after the effective date of this Act. An
13 application submitted before the effective date of this Act is
14 governed by the law in effect on the date the application was
15 submitted, and the former law is continued in effect for that
16 purpose.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.